



## State-Tribal Relations Committee

63rd Montana Legislature

### ***STRC Issue Summary: Indian Language Preservation and the MT Digital Academy***

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#### **Background**

- The 2012-13 Montana Legislature passed, and the Governor signed, SB-342 establishing a Montana Indian Language Preservation Pilot Program (MILP3). Since it was enacted, all the tribal nations within the state including the Little Shell have contracted with the Montana Department of Commerce and launched pilots.
- STRC members at a January 13<sup>th</sup> meeting with Crow Executive Branch leaders in Crow Agency expressed interest in how materials produced by the MILP3 pilots might be of value to the Montana Digital Academy (MTDA) and vice versa.
- The MILP3:
  - The MILP3 is intended to help stabilize and reverse the loss of indigenous language among the state's Indian populations. It will produce a dizzying array of products, including: iPad applications, interactive websites, e-dictionaries, taped events with elders, immersion camps, training (of speakers, writers, teachers), Class 7 teaching certification standards, curriculum guides, classes (for families, schools, and communities), preservation/digitization of cultural documents, road signs, storybooks, CD recordings, language advisory boards and commissions, language resource inventories and bibliographies, recording of sign language, preservation of Indian botanical terminology, language booklets, recording of oral histories, and more.
  - Materials produced by the various MILP3 pilots are deposited with the Montana Historical Society.
- The MTDA:
  - The MTDA was established in code (MCA 20-7-1201) in 2009 and opened its virtual doors in the Fall of 2010. It is hosted by the University of Montana and run by a governing board prescribed in law. MTDA is Montana's first statewide online program, with course enrollments that reached 7,993 in SY 2012-13. In a state where much of the population is spread out in rural areas, MTDA is said to have become a way leveling the educational playing field. The Academy uses Moodle as its system to deliver content to Montana's K-12 Students.
- STRC members who suggested that synergy between the MILP3 and the MTDA could be encouraged, imagined it to be of benefit to both programs. Rather than residing passively

in the Montana Historical Society, these materials could be proactively made available to learners—young and old, Indian and non-Indian, Indians living on a reservation or off. STRC members also speculated that such materials could be of value to Indians who are incarcerated and to educators employed within the Department of Corrections.

## Issue Defined

How easy would it be for the MTDA to access and apply MILP3 materials?

- Access to the materials
  - MILP3 Agreements
    - The State-Tribal Economic Development Commission (STEDC) and each tribal government have signed a contract that includes the following clause in regard to accessing materials produced by the MILP3. It reads:  
*"Section 17. Ownership and Publication of Materials. All reports, information and other materials prepared by the Tribe, or any of its contractors or subcontractors, in furtherance of this Agreement are the property of the Tribe and the STEDC Program, which both have the royalty-free, nonexclusive, and irrevocable right to reproduce, publish or otherwise use, in whole or in part, such property and any information relating thereto. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the Tribe and the STEDC. Tangible goods produced are done so with public funds and as such should be available for fair use to the public; cultural and intellectual property rights belong to the Tribe and may be negotiated between the Tribe and partnering entities."*
  - Montana Historical Society access policies.<sup>1</sup>
    - Collections donated or transferred (in the case of State Agencies or State funded projects) to the Montana Historical Society Research Center are considered the property of the Society and by extension the State of Montana.
    - Unless restricted by law or by donor request, all materials are made available to the public in our Reading Room. Any donor restrictions to access must have an end date or conditions for future access provided in the donor or transfer forms.
    - All collections are cataloged and inventoried to assist patrons in accessing the materials.
    - Where possible and practical the Research Center does provide access to digital materials via the Montana Memory Project <http://cdm103401.cdmhost.com/>.
    - Physical access to the collections is allowed only in the Research Center's reading room within the Montana Historical Society. Use of the collections in the Reading Room is carefully overseen by Society Staff who ensure security and assist with questions related to historical content.
    - Patrons can access collection cataloging and inventories via the MHS website at <http://mhs.mt.gov/research.aspx> Viewing the cataloging and collection descriptions prior to coming to the Society is not required, but encouraged to maximize the patrons time here.
- Consultation with tribal governments

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<sup>1</sup> Jodie Foley, State Archivist, Montana Historical Society in email communication of April 16, 2014.

- Notwithstanding the above agreements and policies, it is always good practice in this and any endeavor involving tribal cultural resources to consult with tribal authorities about interest or action related to such materials.
- **Applicability of the materials?**
  - *Content compatibility.* Would language material generated by a tribe fulfill standards for full-credit courses like the MTDA's *World Languages*? Might the material generated by one or several tribes constitute the basis for coursework in something like the MTDA's courses on *Native American Studies*? After the MILP3 materials have been completed, then these questions may be answerable.
  - *Technical compatibility.* The products and the technological platforms for holding and delivering those products vary somewhat from pilot to pilot. It remains to be seen how the Montana Historical Society will technically aggregate these materials—and then how viable an interface that is for the MTDA's purposes of delivering distance learning.

### **Activity Undertaken**

- STRC staff and members have reached out to the MTDA. Both the MTDA's Executive Director and its Curriculum Director have expressed admiration for the unique materials emerging from the MILP3 program and interest in learning what might ultimately be useable.
- As noted, the policies for accessing materials like those coming from the MILP3 are already established. No additional authority is needed for an entity such as the MTDA to consult with tribal governments and tribal colleges about the materials or to work with the Montana Historical Society.
- In terms of legislative action, the heavy lifting has already been accomplished in that the legislature has established these programs—and the hope expressed by members of the STRC has been to see creative synergy between them.

### **Outcome /Latest Status**

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